

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

04-CR-6143L

v.

RODNEY RODRIGUEZ LOPEZ,

Defendant.

This Court referred pretrial motions to United States Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636(b). Defendant filed omnibus motions, including a motion to suppress evidence seized from a hotel room. The Magistrate Judge heard argument on June 20, 2005, and issued an oral Report and Recommendation that same day recommending that the motion be denied on the grounds that defendant had failed to establish any standing to object to the search on Fourth Amendment grounds. No affidavit of standing was filed by a person with knowledge and, therefore, there was no evidence before Magistrate Judge Feldman that defendant had any expectation of privacy in the premises. Based on that, Magistrate Judge Feldman recommended denial of the motion.

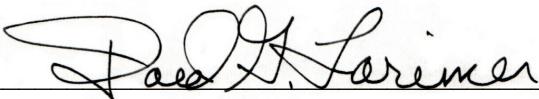
No objections have been filed to that oral Report and Recommendation.

I have reviewed the motions, and I have also listened to the tape recording of the argument and proceedings before Magistrate Judge Feldman on June 20, 2005. I agree with Magistrate Judge Feldman's determination.

CONCLUSION

Defendant's motion to suppress evidence obtained pursuant to a search is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 17, 2005.